



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: 8P-W-WW

Mr. Jay K. Vance
Manager, Environmental & Permitting
Red Leaf Resources, Inc.
10808 South River Front Parkway, Suite 200
South Jordan, UT 84095-5956

Re: EPA Water Discharge Permit
Exemption Applicable to Red Leaf
Resources, Inc. Seep Ridge Project

Dear Mr. Vance:

Thank you for notification to EPA on November 8, 2013, regarding the site construction, testing, and scale-up of the EcoShale In-Capsule Technology test unit. We have received your justification that based on a review of applicable regulations, these oil shale extraction activities are exempt from NPDES permitting requirements based on 40 CFR § 122.26 and Section 323 of the Energy Policy Act of 2005.

The existing stormwater rules, including revisions from the Energy Policy Act of 2005, do not explicitly address whether facilities that extract oil from tar sands and shale oil are exempt from NPDES permits. However, these types of activities are included in SIC Code 1311 for oil and gas extraction, and these activities are not addressed under SIC codes for mining activities. An NPDES permit will be required if the stormwater discharges have reportable quantities of hazardous substances or oil, or if there is reasonable potential for a water quality standard to be exceeded. EPA may use its best professional judgment to determine if stormwater from these types of activities will become contaminated by contact with raw material, intermediate products, finished product, by-product, or waste products.

If you have any questions with regard to this letter, please contact Greg Davis at 303-312-6314, or e-mail davis.gregory@epa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Colleen Rathbone".

Colleen R. L. Rathbone, Chief
Wastewater Unit